

Appln. No. 10/767,177  
Amdt. dated November 3, 2005  
Reply to Office Action of May 3, 2005

### **REMARKS**

In the May 3, 2005 Office Action, of the pending 39 claims, method claims 26-32 were withdrawn as being subject to a restriction requirement, apparatus claims 37-39 directed to the species of Figs. 13-15 were withdrawn as being subject to an election of species requirement, and apparatus claims 1-25 and 33-36 were rejected over prior art. The specification was also objected to due to the use of two abbreviations.

In response, the specification is amended to overcome the objection, and independent claims 1, 16, and 33 are amended. This leaves claims 1-25 and 33-36 pending in this application with claims 1, 16, and 33 being independent. Applicant respectfully requests reconsideration and reexamination of this application in view of the amendments noted above and the remarks noted below.

#### **I.. Amendment to the Specification**

As requested in the Action, Applicant has amended the specification in Paragraph [0043] to write out the standard abbreviations "PVC" and "TPR".

#### **II. Amendments to the Claims**

##### **1. Claims 1, 15, 16-18, and 33-36, as well as 37-39**

In the Action, claims 1, 15, 16-18, and 33-36 were rejected as being anticipated by U.S. Patent 5,655,936 to Meredith. The Action maintains that the Meredith patent discloses all of the features of these claims. Applicant does not believe that the Meredith patent specifically discloses swaging a fastener nor swaging a fastener radially outwardly into a substantially frustoconical configuration as now claimed in amended independent claims 1, 16 and 33.

As seen in Fig. 5 of Meredith, flanged end 30 is purposefully oriented perpendicular to the sleeve 24, and is clearly not made into a frustoconical configuration. A frustoconical configuration is beneficial because orienting the flange end 30 perpendicular to the sleeve 24

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would increase potential stress on the metal and more easily lead to separation of the flange end 30 from the sleeve.

Moreover, Applicant believes that it would not be obvious to make the flange end 30 in Meredith substantially frustoconical, even in view of U.S. patents 6,343,962 to Krause and 6,866,456 to Bentrin.

In Meredith, flange end 30 is used as a stop against a battery or power distribution box 14 and to prevent over-tightening of nut 16 and damage to the terminal 10. See, column 3, lines 22-29. Thus, the flat perpendicular configuration of the bottom of flange end 30 is necessary and advantageous. Moreover, were flange end 30 frustoconical, it would more easily penetrate the battery or power distribution box 14 upon being tightened, which could damage the battery or box and increase the chances of over-tightening. This would be totally opposite the construction and object of flange end 30. Therefore, any modification of the Meredith perpendicular flange 30 would be based on a hindsight reconstruction of the prior art and thus improper.

Accordingly, independent claims 1, 16, and 33 as amended are believed allowable, as are their dependent claims 15, 17-18, and 34-36.

Applicant notes that claims 33 and 36 are generic. Therefore, withdrawn claims 37-39 directed to the species of Figs. 13-15 should be allowed.

## 2. Claims 2, 3, 19, and 20

Claims 2, 3, 19, and 20 are rejected as being obvious over the Meredith patent in view of U.S. patent 5,975,821 to Kue. In these rejections, the Action cites the Kue patent for the disclosure of a Belleville washer. Applicant believes that the Kue patent does not make it obvious to use a washer or a Belleville washer in Meredith. Rather, such a rejection appears to be an improper hindsight reconstruction of the prior art using Applicant's disclosures as the only guide. In this regard, the Meredith patent already has a bowl-shaped concave configuration in terminal 18 which acts as a washer, and especially like a Belleville washer. That is, it provides an enlarged bearing surface and a locking feature. See, column 3, lines 16-21.

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Therefore, adding a separate washer or a Belleville washer to Meredith is unnecessary and redundant. Thus, it would not be obvious to one of ordinary skill in the art to so modify Meredith.

Therefore, dependent claims 2, 3, 19, and 20 are believed clearly allowable.

3. Claims 4, 5, 6, and 12

Claim 4 was rejected as being obvious over Meredith in view of U.S. patent 6,343,962 to Krause. In this rejection, the Action maintains that it would be obvious to use a countersink in Meredith as disclosed in Krause. Applicant does not believe it would be obvious to use the countersink of Krause in the Meredith patent. This would be totally opposite the construction and use of the perpendicular flange end 30 of Meredith as noted above. A countersink would also be unnecessary and detrimental to the structural integrity of terminal 18.

Claims 5, 6, and 12 were rejected as being obvious over Meredith in view of U.S. patent 6,866,456 to Bentrim. In these rejections, the Action is basically citing the Bentrim patent for a countersink in retainer 15. Once again, Applicant does not believe it would be obvious to use a countersink in Meredith in view of this Bentrim patent, since this would be totally opposite the construction and use of the perpendicular flange end 30 of Meredith and unnecessary and detrimental as noted above.

Therefore, dependent claims 4-6 and 12 are believed clearly allowable.

4. Claims 7-10, 13, 14, and 22-25

Claims 7-10, 13, 14, and 22-25 were rejected as being obvious over Meredith in view of U.S. patent 3,775,730 to Rowls et al. The Action is citing the Rowls et al. patent for teaching a boot assembly. Applicant believes that it would not be obvious to use the boot assembly of Rowls et al. in the Meredith device, because it would merely be a hindsight reconstruction of the prior art and with absolutely no suggestion thereof.

Therefore, dependent claims 7-10, 13, 14, and 22-25 are believed clearly allowable.

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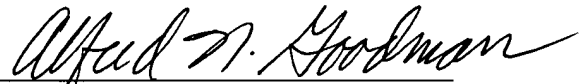
5. Claims 11 and 21

Dependent claims 11 and 21 are rejected as being obvious over Meredith with the Action maintaining that the use of brass would be obvious. Applicant believes these dependent claims are allowable when taken with their independent claims 1 and 16.

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In view of these amendments and comments, Applicant respectfully believes that claims 1-25 and 33-36, as well as claims 37-39, are in condition for allowance and respectfully requests indication thereof.

Respectfully submitted,



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